LOOKS LIKE **BIG STRUGGLE**

Important Demurrage Case Begun Yesterday Before the Supreme Court.

QUESTION OF JURISDICTION

Brilliant Arguments Made by Mr. Braxton and Mr. Thom. History of the Case.

Before the august presence of the Supreme Court of Appeals yesterday there was begun what promises to be a long and mighty struggle between the combined raliway interests of Virginia and the State Corporation, Commission, involving the right of the Commonwealth to impose upon transportation companies certain restrictions and regulations having a more or less immediate bearing upon the questions of interstate and international commerce.

Vasts interests and sundry ramifying constitutional points entangled in the litigation make the case one of the utmost importance. A brilliant array of legal talent has been summoned to the bar by it, and all five judges sat yesterday while the preliminary argument was begun and half finished. There are about a dozen rallway companies interested in the suit and each is represented by coursel. For the State the Attorney-General appears, ably assisted by counsel from other places. The first day was, owing to the remarkably high character of the argument, of very considerable interest, and as the case proceeds this interest will probably deepen.

Question of Jurisdiction.

of the argument, of very considerable interest, and as the case proceeds this interest will probably deepen.

Question of Jurisdiction.

The question of jurisdiction was the issue with which the case opened. The Corporation Commission of Virgiria, which is a sort of legislature with restrictions, has promulgated a series of rules and regulations governing transportation companies in the matter of storage, demurrage, car service charges, etc. The railways hold these rules to be infringements of the interstate, intrastate and foreign commerce laws, and in conflict with the United States Constitution and the acts of Congress. The Commonwealth contends that the Supreme Court cannot pass upon these rules until there is produced a concrete instance in which they have clashed with the Constitution or the congressional enactments. They have the same force as laws, and the validity of no law is questioned until it is shown to infringe upon the rights of some man who has suffered from it. The rules have not even yet been put into practical operation, and it is as yet impossible to judge of their effect. The appellants are, therefore, to all intents and purposes, arguing abstructions. This argument for the Commonwealth was included in a brilliant speech by Mr. A. C. Braxton, of Staunton.

The contention made by Mr. Alfred P. Thom, for the combined railways, was very clear, able and pointed. The commission has promulgated rules and regulations. The railway companies affected have in response to a notice appeared and noted their objections, and these talks have been overruled. The commission is looked upon as a court as well as a Legislature. It had rendered the appeal. The Consiliution provides that the Supreme Court of Appeals and no other body shall review and pass upon the acts of the commission. Mr. Thom was in the middle of his speech when the court adjourned. He will resume this morning.

History of the Case.

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History of the Case.

The case comes up on an appeal from the order of the State Corporation Commission prescribing demurrage, storage, car service, and switching charges. The appellants are nine railway companies acting jointly and severally under the name of the Atlantic Coast Line Railway et al., vs. Commonwealth of Virginia. The companies involved are as follows: Atlantic Coast Line, represented by Mr. Alexander Hamilton; Chesapeake and Ohio Railway Company, represented by Mr. H. T. Wickham; New York, Philadelphia and Norfolk Railway Company, represented by Mr. Thomas H. Willcox; Norfolk and Western Railway Company, represented by Mr. J. Allen Watts; Seaboard Air Line Railway, represented by Mr. J. Allen Watts; Seaboard Air Line Railway, represented by Mr. Alfred P. Thom; Norfolk, Portsmouth and Belt Line Railroad Company, represented by Mr. Willcox; Washington Southern Railway Company, represented by Leake and Carter, and the Baltimore and Ohio Railroad Company, represented by Mr. John G. Wilson, Counsel for the Commonwealth are Attorney. General Anderson, Mr. A. C. Braxton, and Messrs, Jeffress and Lawless.

gins on the 25th of May, 1903, when the State Corporation Commission, at its offices in this city, issued a notice to the several transportation companies doing doing several transportation companies doing susiness in the State, and to all others interested that, pursuant to an act of the General Assembly, "to require the State Corporation Commission to fix and prescribe storage, demurrage, and car service charges," it would consider and near any objections against a schedule of rules and regulations it had drawn up, governing transportation companies in the matter of time limit for placing compty cars and delivery of freight at ifs destination together with forfeitures, to be paid by companies failing to observe such rules and regulations; also storage, demurrage, and car service charges to be paid by shippers and consignees in certain cases; and finally local transfer and switching charges. The railway companies immediately rose up in arms and in response to the notice of the commission appeared on the dot fixed and objected to each of the proposed rules and regulations on the general grounds as follows:

First, That it purported to apply to regulate content interestate commerce as well as in-

as follows:

First. That it purported to apply to regulate or control interstate commerce as well as intrastate commerce, and that the jur sdiction of the commission does not and cannot extend to or include interstate commerce as proposed in the sold rules, and that it has no power to make any such rule, regulation, or requirement. Second 700 of the following interstate commerce. Second 700 of the commerce as well as interstate commerce, and that the jurisdiction of the commission does not extend this far, and that thas no power to make any such rule or regulation relating to or affecting foreign commerce.

There were various and sundry ramifications to the objectionists in the way



ALL TIED

SPECIAL FACILITIES FOR OUT-OF-TOWN CUSTOMERS.

Planters National Bank

BAVINGS DEPARTMENT Twelfth and Main Streets, Richmond, Va.

jurisdiction, which is not thought to be very likely. The matter will then come to trial and the entire State will watch the outcome with interest. A great legal battle is in prospect. The railway companies will contend on the general lines laid down above. The position the State will take, is set forth in the following paragraphs from the brief of the atterney-general!

YOUNG MEN GATHER

sting features of the evening. It read

tions in cities and towns, railroad and street railway work, coulty work, army and navy work, college work, foreign work department, and so on. Of the railroad and street railway work, there is the following:

"The work in six railroad departments shows continued activity, and now that all are well housed, the saveral lines of effort can be more represented. Religiously, and now that all are well housed, the saveral lines of effort can be not aggressive. It is not aggressive and the saveral lines of each town over 2,490, and is increasing steadily.

"The railroad companies contributed towards these departments last year \$4,600 for current expenses."

capeness departments have properly to compare the Virginia Passenger and Power Compared the Power of the Reinhaude a generous appropriation for repairing and furnishing the building which has been set aside by the company for the Street Railway Department of the Richmond association, and also appropriated a liberal sum towards current expenses. A secretary is in charge, and the building is beling rapidly put into condition for occupancy. This is the first Street Railway Department in the South, and the fourth in the country.

Concerning the other features of the work the report expresses the greatest satisfaction. The document closed with the following recommendations:

1. That the minutes of this convention be revised and the committee authorized to publish same.

2. That we renew recommendations made in our lost annual report concerning Week of Prayer, educational, boys and religious work, together with young mon's Sundays and students conference.

3. That \$4.000 be raised for the coming year's work; that each association be urged to make a contribution; that piedges for at least one-half of the whole amount be asked for in this convention.

4. That we cordially endorse the county work movement, and we recommend that it be continued and extended whenever in the judgment of the State Committee, the funds for that purpose shall have been assured.

Report of Treasurer.

as follows:

First. That it purported to apply to regulate or control interstate commerce as well as interstate commerce, and that the jury decidence of the commerce, and that the purpose of the commerce as proposed in the said rules, and that it has no power to make any such rule, regulation, or requirement.

Second. That it purports to apply to regulate or control foreign commerce as well as interstate commerce.

Second. That it purports to apply to regulate or control foreign commerce as well as interstate commerce.

Second. That it purports to apply to regulate or control foreign commerce as well as interstate commerce.

There were various and sundry ramplifications to the objectionists in the way of details, but the chief grounds were as stated. The appellants claim that the united States and are vold, and furthermore that certain of them attempt to give to the pairons of each of the transportation companies use of its property without compensation for a length of time indicated in the rule. The commission met, heard all of these objections, and overruled them on the ground that no aright of the pelitioners under the Constitution of the United States and or the commerce will be a compensation for a length of time indicated in the rule. The commission met, heard all of these objections, and overruled them on the ground that no right of the pelitioners under the Constitution of the United States or under the acts of Congress was infringed by the pattern of the commission met, heard all of these objections, and overruled them on the ground that no companies use of its property without compensation for a length of time indicated in the rule. The commission met, heard all of these objections, and overruled them on the ground that no companies use of the property without compensation for a length of time indicated in the rule. The commission met, heard all of these objections, and overruled them on the ground that no companies the constitution of the declared to be one of the land of the period of the period of

along. Some of these word pictures were surpassingly fine. Such was his reference to Mendolespin, the master, whose wonderful skill upon a great organ that he had himself had constructed should be an illustration of how Christ, the Muster, should be allowed by men to draw forth the harmonies of the human soul. Almost equally striking was another filustration, in which he pictured Christ stilling the troubled waters, and the same Christ quieting and subduling the troubled waters, and the same Christ quieting and subduling the conclusion of the address. A line sole by Mr. Haddon S. Watkins was much injoyed. The choir announced a nominating committee composed of Messis, R. M. Smith, of Relument Lyttleton Hamsburger, of Hampden-Sidney College; W. H. Residen, of Warrenton; H. T. Helm, of Chifton Forge, and O. V. Armstrong, of Washington and Lee University, Benediction was pronounced by Dr. Woelfkin.

Reception Follows.

Reception Follows.

Immediately after the convention session a public reception was held in the lecture room of the church. This function was under the auspices of the Woman's Executive Committee, assisted by the Men's Reception Committee, it was a genuine Y. M. C. A. jam'. The lecture room was crowded with men and women, and the utmost good feeling and sociability prevailed.

Several brief speeches were made. Dr. W. P. Mathews presided, and introduced first Dr. Russell Cecil, paster of the convention church. Dr. Cecil spoke briefly but happilly, and made the audience feel in high good humor by assuring the convention that it was one of the most notably handsome gatherings of young men ever seen here. The old men snickered and the young men applauded and the girls laughed. Then Dr. Cecil welcomed them one and all, spoke kindly of the great work of the Y. M. C. A., which organization he declared to be one of the marvels of the age, and assured the delegates that the city was theirs for the asking. He referred to the local Y. M. C. A., said Mr. McKee was the great secretary in the country, and advised and invited the delegates to visit the local association and have a look at things.

Governor Montague followed and well association and have a look at things.

Governor Montague followed and well capacity to express his high appreciation of the value of the work being done by the Y. M. C. A. A government is wint its people make it, and good people will have a good government. An evil government results less from the activity and energy of bad men than from the indifference and inertia of good men. Church and state should be kept distinct, but they should work in sympathetic co-operation.

"It think they should love each other will" said the Governor, "though I doubt it were wisdom for them to marry."

Sessions To-day.

To-day the convention will hold three essions. The programme will be as folsessions. The programme will be as follows:
Morning: 9:39—Opening praise service.
9:45—Address, "The Privilege and Power of Prayer," Dr. Woelfkin.
10:39—Organization.
10:45—Address, "The Need for An Agressive Evangelism," W. M. Wood, superintendent of education, Chicago, Ill.
Association.

perintendent of education, Chicago, Ill.,
Association.

11:15—Discussion. Organization for Religious Work. L. L. Pierce, general secretary, Washington, D. C.
Atternoon: 3:30—Praiso and testimony,
3:45—The Necessity of a Comprehensive Study of Local Conditions, and Adopting a Progressive and Workable Policy.
DeWitt Crane, Newport News.
4:30—Personal word from presidents. T.
M. Terry, F. L. Crocker.
Night: 8:50—Praise service.
8:50—Brief addresses; fifteen minutes limit to each department.
Army Work—M. G. Bally and enlisted men.

Army Work—T. S. Vance.
County Work—T. S. Vance.
Street Rallway Work—W. J. Tubbs.
Navy Work—O. D. Heissenbuttel and
"Jack Tars."
Rallroad Work—C. S. Ward.
The Governor's reception will be from
5 to 7:30 P. M. at the Executive Mansion
in the Capitol Square.

Among Those Present.

Among the delegates who make up the

membership of the convention are the following:

Amherst.—J. C. Allen.
Alexandria.—R. H. Atkinson, Jr.
Bluedield, W. Va.—Rev. P. C. Clarke,
Dr. C. A. Johnson, W. A. Paxton, J. W.
Simpson, W. P. Gibson, H. L. Moore,
George, N. Speiden, R. D. Payne, R. L.
Shelton, Charles E. Fisher and wife, Rev.
J. D. McAlister, Rev. S. F. Thompson, E.
D. Kirkner, T. A. Gregg,
Charlotteaville.—A. P. Bibb,
Christiansburg.—Archer A. Philegar,
Clifton Forge.—C. A. Hayslett, T. G.
Faulkner, Harry E. Helm and wife, C.
P. Nair,
Crewe.—James Hack, J. W. Wheary, E.
W. Bayne, M. T. Bethel, E. O. Jones,

Ciliton Forge.—C. A. Hayslett, T. G. Faulkner, Harry E. Helm and wife, C. P. Nair.
Crewe.—James Hack, J. W. Wheary, E. W. Payne, M. T. Bethel, E. O. Jones, H. B. Harvey, John N. Parker, Clyde Wilson, Tom Short, Alexander Corey, P. G. Berny, Ed. Walthall, B. N. Waterhouse, G. V. Robinette and wife, A. G. Sutton, Alle Shortt, Clyde Taylor, Steele Wheary, Thomas J. Sowers, H. B. Sadler, Front Royal.—C. A. Kidd, S. D. Fox. Frederickaburg.—Frank K. Tyler.
Framwille.—Horace Adams, G. L. Stuart, D. P. Fanar, A. V. Russell, Fred. Stuart, A. F. Howard and wife.
Greenvie.—William G. Abney.
Hampton.—William G. Abney.
Hampton.—William T. Dixon, William C. L. Tallaferro, Harry H. Demaine, Howard C. Horsman, J. Monroe Harris, John Weymouth, L. H. Hoge, Charles L. Lelby, M. C. Ransone, H. Hoge, Charles L. Lelby, M. C. Ransone, J. Monroe Harris, Nowport News.—Robert Brydon, Jr., W. R. McMurran, S. Bruce Tabb, C. C. Kent, Jr. C. E. Patch, Wade H. Hobbs, L. C. Fulliffer, R. B. Eberley, E. H. McFadden, J. H. A. Davis, G. T. C. Keller, C. D. West, W. E. Cottrell and daughter, J. W. Ayler, Jr., A. M. Hamilton, Malcolim Nexsen, W. R. McMurran, Petcy Hamilton, O. H. Lehmau, W. R. Lynch, W. B. Livesey, DeWitt Crans and wife, T. Malcolim Bigger.
Portsmouth.—Frank L. Crocker, E. B.

sey, DeWitt Crane and wife, T. Malcolm
Blager.
Portsmouth.—Frank L. Crocker, E. B.,
Hawks, Raymond D. Pearee, J. E. Atkins,
H. E. Dorin, F. M. Wilder, W. R. Haight,
F. M. Kelly, Willie J. Cooper, W. S.
Cox, A. E. Porter, George R. Trant, C.
C. Graves, J. C. Hopkins, G. Tate Greer,
S. B. Witt, W. F. Monell.
Roanoke.—H. Jackson Davis, Henry D.
Gray, Luclan H. Cocke, Jr., J. H. Marsteller, J. P. B. Allen, William M. Graybill, Rev. W. C. Campbell, John Izard.
Tappahannock.—J. S. Phillips, J. Sydnor Phillips, W. J. Phillips and wife.
Washington, D. C.—L. L. Pierce, Percy
S. Foster.
Warrenton.—Armistead Boston, J. T.
Brawner, Truman S. Vance, W. Jl. Risdon, Stuart Williamson, John G. Grayson,
John McGill.
COLLEGES.

COLLEGES.

Cluster Springs Academy.—J. O. Chappell, W. F. Jones.
Emory and Henry.—P. B. Cox. R. L. Willey.
Eastern.—D. G. Cooley.
Miller's School.—R. C. Allen, H. W. Jackson, C. C. Sours, J. C. Quarles.
Pantops Academy.—G. M. Jones, R. E. Smith, C. B. Converse, L. C. Witten.
Roancke College, Selem.—F. D. Smith, Handelph-Macon College, Ashland.—A. L. Kibler, O. M. Whitmore, J. W. Mast, M. T. Tabler, W. F. Johnston, Robert E. Blackwell, C. L. Harrell, E. J. Dyver, Leo G. Crutchfield, Sangi Ogawa, J. E. Daniel, H. L. Weston, E. W. Newman, Britann, Newman, Britann, New Macon, College, Redford, City.

Joniel, H. L. Weston, E. W. Newman,
H. Owens,
H. Owens,
Randolph-Macon College, Bedford City,
J. C. Robertson, A. K. Lambdin, J.
Spears Maxey, Frank Beirges, D. A.
Iurrison, F. L. Banks,
Randolph-Macon Academy, Front RoyL-Thomas W. Jones, Arthur E. Owens,
Shehmadeah Collegiate Institute—Froessor Noble, E. H. Baker,
University of Virginia.—J. H. Whitmore,
T. George L. Neville,
Union Theological Seminary.—A. W.
Yood, W. M. Walsh, H. R. McFadgen,
J. A. Brown, H. L. Ross, M. F. Rilson,
J. M. Moffett, J. T. Blackburn, A. P.
Urdelester,
Woodberry Forest Academy.—R. Perry
Illeary,
William, and Mary M. P. Mossan, M.

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Itching, Scaly and Crusted With Loss of Hair

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Warm shampoos with Cuticura Soap and light dressings of Cuticura, the great skin cure, at once stop falling hair, remove crusts, scales and dandruff, soothe irritated, itching surfaces, destroy hair parasites, stimulate the hair follicles, loosen the scalp skin, supply the roots with energy and nourshment, and make the halr grow upon a sweet, healthy scalp when all else

Millions of the world's best people use Cuticura Scap, assisted by Cuticurs Ointment, the great skin cure, for preserving, purifying and beautifying the skin, for cleansing the scalp of crusts, scales and dandruff, and the stopping of failing hair, for softening,

ping of failing hair, for softening, whitening and soothing red, rough and sore hands, for haby rashes, itchings and chafings, for annoying irritations and inflammations, or too free or offensive perspiration, for ulcerative weaknesses, and many antiseptic purposes which readily suggest themselves to women, as well as for all the purposes of the toilet, bath and nursery.

Complete treatment for every humour, consisting of Cutterra Soap, to cleanse the skin, Cutteura Cluttment, to heal the skin, and Cutteura Resolvent Pills, to cool and cleanse the blood, may now be had for ne dollar. A single set is often sufficient to cure the most torturing, disfiguring, itching, burning and scaly humours, eczemas, rashes and irritations, from infancy to age, when all else fails.

when all else falls.

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L. H. Johnson, L. D. Vaughn, W. R. Mason, J. S. Wilson, C. W. Mason, Virginia Military Institute, Lexington.—
J. E. Townes, F. S. Bianton, T. Croxton Gordon, Robert S. Hudgins, R. J. Martin, Virginia Polytechnic Insiliute, Blacksburg.—A. P. Long, A. B. Carpenter, W. W. Routten, C. L. Lyon, E. K. Tyler, J. T. Neely, A. F. Jackson.

RAILROAD.

Roanoke—J. J. Bower, W. L. Mays, J. T. Traylor, F. O. Graveley, C. E. Evans, G. H. Bishop, C. W. Jennings, R. W. Headwick, W. B. Saunders, J. R. Morton, G. C. Mercer, J. W. Stewart, J. S. Womack, J. S. Walker, W. M. Rollyson, E. T. Fisher, A. L. Dudley, D. S. Hampton, S. D. Blackburn, C. L. Kelley, John Lucas, J. E. Urquilaut.

John Lucas, J. E. Ordunar.

ARMY.

Fort Monroe.—August L. N. Brentano.

B. Thompson, Ballard E. Webb, Alex.

D. Johnson, Wallace S. Sims, M. W.

Bally, Charles W. Tilley, Albert E. Har
rington, William H. Smith.

WOMEN'S MEETING.

In Connection With the Y. M. C. A. State Convention.

At the same time the men's meetings are to be conducted at the Academy of Music and the Bijou Theatre on next Sunday afternoon, a woman's religious programme of unusual interest has been rrogramme of unusual interest has been arranged and there should be a great outpouring on this occasion. At the request of the Ladies' Committee who have been assisting in the preparations for the entertainment and comfort of the delegates, Mrs. J. T. Jobson will preside over this meeting, and there will be young ladies as ushers to seat the congregation and take the offering. The speakers of the occasion will be Hon. Kirk Porter, of Pittsburg, Pa., and Mr. Ward, of the International Y. M. C. A. Committee. Rev. W. J. Young, D. D. of the Centenary Methodist Church, of this city, will conduct the devotional exercises. The services will begin at 4 o'clock and the music is to be led by the choir of the First Baptist Church.

As We Saw Them.

"Whether all followers of the back to-nature food doctrines live exclusively to-nature food' doctrines live exclusively upon raw fruits and nuts, or even on gooseberry soup and breaded peanut chops. I may be permitted to doubt," says Eugene Wood in Everybody's Magazine for March. "I have seen, some of these uncooked-fruits-and-nuts people. I don't say I saw the right ones. Like enough, I saw only those who, for the good of the cause, should nover have been allowed to wander forth into seciety. They one and all professed loudly to be in the rudost physical health. But I don't know; I don't know, It seemed to me they lucked the proper scenic accessories. A floral pillow with 'Rest' on it in immortelies, say about here, and a sheaf of wheat tied with a purple satinfaced ribbon over there, and one or two Gates Ajar scattered around would have seemed more natural and suited their complexions better. As to their mental vigor, after I had heard them talk awhile, I gave right in to their most cardinal doctrine: A man is what he eats. If he eats beef he becomes of the beef, beefy: if he cuts nuts, he becomes—but coeuch." upon raw fruits and nuts, or even on heefy; if he cats nuts, he becomes—but enough."

WHEN YOU HAVE A BAD COLD You want a remedy that will not only

You want a remedy that will relieve the lungs and keep expectoration easy.
You want a remedy that will counteract any tendency toward pneumonia.
You want a remedy that is pleasant and safe to take.
Chamberlain's Cough Remedy meets all of these regulyments and for the speedy.

of these requirments and for the speedy and permanent cure of bad colds, stands without a peer. For sale by all druggists.

CASTORIA For Infants and Children. The Kind You Have Always Bought

Bears the Signature of Chat H. Heltchir.

BETH AHABA

Corner-Stone Will be Laid Today With Impressive

THE MASONS WILL PRESIDE

Procession Will March From the Masonic Temple to the Site of the Temple.

With exercises in keeping with the event the corneratone of the new Beth Ahaba Synagogue, of this city, will be fald at 4 o'clock this afternoon in the presence of the congregation of the tem-ple and a large gathering of the citizens of Richmond.

The exercises will be of a most impressive character and the event, as a whole will be one of uncommon interest. ceremonies will be conducted by Frater-nal Lodge, No. 53, A. F. and A. M. The Grand Master of Masons, Most Worship ful Thomas N. Davis, will preside; Worshipful Brother J. Thompson Brown will be chief marshal, with Mr. Henry S. Hutzler acting as first assistant mar-shal, and Mr. Raphael Levy as second assistant marshal.

Have Procession.

Have Procession.

The procession will leave the Masonic Temple at 3 o'clock, and the exercises will begin upon its arrival upon the site of the temple, on Franklin Street, near Ryand. While the officers and craftsmen are taking their place an anthem will be sung, and then the chief marshal will commund all present to keep slient and observe due order, and decorum during the exercises, which begin at the sounding of the trumpets. The chairman of the general committee, Mr. Henry S. Hutrier, will then request Most Worshipful Master Davis to lay the cornerstone, and he will respond as follows:

"Brother Senior Warden: From time immomortal it has been the custom among the fraternity of Free and Accepted Masons to lay the corner-stones of churches, public buildings and monuments, when requested so to do by those in authority.

"The congregation of Beth Ahaba having requested us to lay the corner-stone of the temple to be exected by them. Fra-

"The congregation of Beth Ahaba having requested us to lay the corner-stone
of the temple to be erected by them, Fraternal Lodge, No. 53, of A. F. and A. M.,
has been here convened by my order, and
it is our will and pleasure that the officers and craftsmen here assembled now
give us their attention and assistance in
the service. This you will communicate
to the junior warden and be to the craft,
that they having due notice, this corner-

that they having due notice, this corner-stone may be laid in ample form.
"Then the senior warden will say:
"Brother Junior Warden: It is the will and pleasure of the most worshipful grand master of Masons in Virginia that the officers and numbers of Fraternity Lodge, No. 53, and craftsmen here assembled do No. 53, and craftsmen here assembled do now assist him in laying the corner-stone of the Beth Ahaba temple. This you will communicate to the craft, that they having due notice thereof may govern themselves accordingly."

After prayer by the chaplain and the singing of the anthem, the corner-stone will be laid. The exercises end with the benediction by Rabbi Calisch.

The New Synagogue.

The New Synagogue.

The new synagogue will be one of the most handsome structures of its kind in the city. The general form of the building is octagonally planned and it is surmounted by a dome. The building will seat about 1,200 to 1,300 people, about 900 in the auditorium and the remainder in the gallery. The exterior will be of light gray brick and gray sandstone, giving the effect of a light-colored classical building.

The front is a classical portico of the

openis without interference or disturbance from the people of Utah, whom he characterized as Ilberal and broad-minded. The defense will take the witness stand to-morrow.

Searching Question.

President Smith's statement was brought out by Mr. Taylor's question:
"Is living with a plural wife contrary to the rules of the church?"
Mr. Smith spoke with great feeling and directness, saying, "In regard to the status of polygamy at the time of the status of polygamy at the time of the

hearing before the master of chancery, I understood that we should abstain from understood that we should abstain from relations without plural families, and that rule was observed up to the time the enabling act went into elsect, admitting Utah as a State. Under that act the only prohibition was that plural marriages should cease. Nothing was said about assembly the state of the s

should cease. Nothing was said about association with our wives."

"With the wives you had married previous to the manifesto, you mean," interrupted Mr. Hoar.

"That is what I meant," said Mr. Smith. "I understood that plural marriages were to cease, and ever since the manifesto until the present time there many been a plural marriage in the never has been a plural marriage in the church performed in accordance with teaching or with the connivance of the church," and he added with greater emphasis, "I know whereof I speak,"

Against Law of Church. Then in answer to the question whether polygamous practices were regarded by the church as contrary to the law he an-

"It was."
Continuing, he said:
"This was the case and is the case now,"
"Hut I was placed in this position."
said Mr. Smith. "I had a family—a plural family, if you please. I maried my fiste wife more than thirty-eight years ago, and my last wife more than twenty years ago. By these wives I have had children, and I have preferred to take my own chances with the law and suffer any consequences the law might visit upon me rather than to abandon these children and their mothers.

"I have continued to associate with them since the manifesto of 1500 and they

DO YOU GET UP WITH A LAME BACK?



Have You Rheumatism, Kidney, Liver or Bladder Trouble?

To Prove what SWAMP-ROOT, the Great Kidney, Liver and Bladder Remedy, will do for YOU, all our Readers May Have a Sample Bottle Sent Free by Mail.

Pain or dull ache in the back is unmistakable evidence of kidney trouble. It is Nature's timely warning to show you that the track of health is not clear.

If these danger signals are unheeded, more sorious results are sure to follow; Bright's disease, which is the worst form of kidney trouble, may steal upon you. The mild and the extraordinary effect of the world-famous kidney and bladder remedy, Dr. Kilmer's Swamp-Root, is soon realized. It stands the highest for its wonderful cures of the most distressing cases. A trial will convince anyone—and you may have a sample bottle free, by mail.

Gentlemen—i attribute my present good health to Swamp-Root. I suffered many years with kidney trouble and had an almost constant pain in my back.

Gentlemen—I attribute my present good health to Swamp-Root. I suffered many years with kidney trouble and had an almost constant pain in my back. Your great remedy, Swamp-Root, cured my trouble, and I have since been perfectly well. Yours truly,

B. H. Chalker, Chief of Police,
Ozark, Ala.

Lame back is only one symptom of kidney trouble—one of many. Other symptoms

Lame back is only one symptom of kidney trouble—one of many. Other symptoms showing that you need Swamp-Root are, being obliged to pass water often diring the day and to get up many times during the night, inability to hold your trine, smarting or irritation in passing, brick-dust or sediment in the urine, catarrh of the bladder, uric acid, constant headache, dizziness, sleeplessness, nervousness, irregular heart-beating, rheumatism, bloating, irritability, worn-out feeling, lack of ambition, loss of fiesh, sailow complexion.

So successful is Swamp-Root in prompts of uring even the most distressing cases, that to prove its wonderful merits you may have a sample bottle and a book of valuable information, both sent absolutely free by mail. The book contains many of the thousands upon thousands of testing them. the thousands upon thousands of testimonial letters received from men and
women cured. The value and success of
Swamp-Root is so well known that our
readers are advised to send for a sample,
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Binghamton, N. Y., be sure to say that you
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of this paper guarantee the genuineness
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If you are already convinced that,
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purchase the regular fifty-cent and onedollar size bottles at drug stores everywhere. Don't make any mistake, but remember the name, Swamp-Root, Dr. Kil-

HOT AFTER

SENATOR SMOOT

A.

Continued from First Page.)

Let be ling compelled to defy the law or descritted from the penalty what the law rather than to disprace himself and degrade his family by abandoning his wives and the children by all of his five wives since the manifost on and said he had acknowledged them openly without interference or disturbed and said he had acknowledged them openly without interference or disturbed and said he had acknowledged them openly without interference or disturbed and said he had acknowledged them openly without interference or disturbed and said he had acknowledged them openly without interference or disturbed and because from the people of Utah, have been performed to the bedfare as manifested with the selection between united that he had had children by all of his five wives since the manifosto, and said he had acknowledged them openly without interference or disturbed and said he had acknowledged them openly without interference or disturbed and said he had acknowledged them openly without interference or disturbed and said he had acknowledged them openly without interference or disturbed and said he had acknowledged them openly without interference or disturbed and said he had acknowledged them openly without interference or disturbed and said he had acknowledged them openly without interference or disturbed and said he had acknowledged them openly without interference or disturbed and the had head of the high the said the had been continued. "The State law in regard to the latter has been complied with. No marriages have been performed to the province of the book taken with them. The said the head of this book taken with them. The said the head of this book taken with them. The said the head of this book taken with them. Industry lawing been made by several made of this book taken with them. Industry lawing been made by sev

"The other law is the one I have presumed to disregard and which, as I have said, I am ready to face, rather than disgrace myself or degrade my family by turning them off."

disgrace myself or degrade my tamily by turning them off."

Mr. Tayler resumed his questioning. "You say there is a State law forbidding polygamous relations and you have been continuing to violate it in utter disregard of the consequences?" he asked.

"I think I have," was the answer.

"You have caused your plural wives to bear you children in violation of the law you knew to exist?"

"That is correct," said Mr. Smith.

Resuming the inquiry concerning Mr. Smith's personal polygamous relations, Mr. Tayler asked:

"How many children have you had since the manifesto of 1890?"

"Eleven since 1890," said Mr. Smith.

Continuing he said:

"Bach of my five wives has borne me children."

"Since that time?" asked Mr. Burrows.

"Since that time," the witness repeated

"Since that this," in answer.

Senator Overman: "Did Senator Smoot ever advise you to persist on your polystatus relations?"

Mr. Smith: "I think not. I have never so far as I remember discussed my private affairs with him."

The Twelve Apostles.

Mr. Smith was asked about the domes-tic relations of the twelve apostles. He said Charles Teasdale, John W. Taylor, Herbert J. Grant, John H. Smith, J. F. Lyman and Apostles Merrill and Curley were reputed polygamists.

were reputed polygamists.

"When your deacons are sent out and make converts in other lands, do they not present the rightfulness of polygamists as religious virtue?" This question was put by Benator Hoar and was answered in the negative. "They never discuss polygamy". Mr. Smith said, "unless compelled to do so to meet attacks. They do not advocate polygamy in any way. Indeed, the elders are instructed not to advocate plural marriages at all it is a tiling of the past."

After recess, Mr. Tayler began an inquiry, concerning instructions given 40

borne me children since that date, s fully aware of what I was doing, amy. Mr. Smith said the book called away. In referred to face that situntary. I preferred to face that situntary. This book, he said, contains a say. I preferred to face that situntary.

deship.

A rule of the church was quoted in regard to the release from duties of certain members of the apostles or others in high positions in order to perform other duties, and Mr. Taylor asked:

"Was it necessary for Mr. Smoot to get comes to run for senator?"

"The had to get the consent of his associate apostles and the first presidency," said Mr. Smith, "In order to get the Legislature, he obtained that consent."

consent."

All. Taylor devoted considerable attention to a discussion of the Mormon marriage ceremonies. It was brought out that all of the high officials of the church and all of the clders are authorized to marrie person consent.

church and all of the orders are advantaged to marry persons.

The celestial marriage, or the marriage for eternity, was discussed, and Mr. Smith said it was one of the things which the Mormon Church believed in, but that the practice had been in disuse for twenty, years or mare. The committee adjourned until to-mor-

To Train Theatre-Goers.

A training school for theatre, audiences is what "Fred" Thompson proposes to introduce at the big "Fire and Flames" to introduce at the big "Fire and Flames" spectacle at Luna Park, Coney Island, this summer. The show is to be given inside a huge auditorium, and a full-sized New York city block will be burned at every performance, with the excitement of all the attending features, engines, crowds, water towers, horses, firemen and the like. The proseenium opening of the stage will be almost 300 feet across. Before every performance a lecturer will point out to the audience the various exits in the auditorium and the best methods of reaching them, and will close with the request that in leaving the theatre the people will use them, in order that they may become familiar with them.

SCHOOL BOYS, ATTENTION!

Read O. H. Berry & Co.'s announce ment to-morrow regarding their great essay contest. Fine clothing and money as prizes